

**EXPLANATORY MEMORANDUM TO**  
**THE EDUCATION (STUDENT SUPPORT) (EUROPEAN INSTITUTIONS)**  
**(AMENDMENT) REGULATIONS 2008**

**2008 No. 1478**

1. This explanatory memorandum has been prepared by the Department for Innovation, Universities and Skills and is laid before Parliament by Command of Her Majesty.

2. **Description**

These Regulations amend the Education (Student Support) (European Institutions) (No. 2) Regulations 2006 (“the Principal Regulations”). The Principal Regulations provide support for a small number of students taking designated postgraduate courses at one of three European Institutions; the Bologna Center in Bologna; the College of Europe in either Bruges, Belgium or Natolin, Poland; or the European University Institute in Florence, Italy. The amending regulations update the fees for the Bologna Center and amends the categories of persons eligible for support under the Principal Regulations. This amendment means that students settled in the UK who leave England, exercise a right of residence in the EU and then return to the UK will be eligible for support under the Principal Regulations.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative Background**

4.1 The Principal Regulations are made under sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998, which give the Secretary of State the power to make provision for grants to eligible students in connection with their undertaking of designated higher education courses and further education courses.

4.2 These amending regulations for 2008/09 update the fee amount for the Bologna Center, and also amend the eligibility provisions in the Principal Regulations as set out above. This change will address a particular issue regarding students returning to live in Scotland after exercising a right of residence in the EU.

5. **Territorial Extent and Application**

These regulations apply to England.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The regulations have been amended increase the funding available for fees for students at the Bologna Center. They also amend the eligibility provisions in the Regulations to ensure that students settled in the UK who leave England and exercise a right of residence in the EU before returning to the UK are eligible for support under the Regulations. This amendment mirrors a change made in the Education (Student Support) (No. 2) Regulations 2008 The amendment was made to clarify how responsibility for providing support to students returning to the UK after exercising a right of residence in the EU is to be shared between England and Scotland.

### *Consultation*

7.2 The Scottish, Welsh and Northern Irish administrations were consulted in relation to the amendments to the eligibility conditions in the Principal Regulations, which only affected the Scottish and English administrations.

7.3 No consultation was carried out in relation to the fee increase amendment because the increase was routine and expected.

## **8. Impact**

9.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9.2 The impact on the public sector is minimal.

## **9. Contact**

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